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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 BERTRAN CALCOTE, )  
09 )  
Petitioner, ) CASE NO. C13-0614-RAJ  
10 )  
v. )  
11 ) ORDER DENYING PETITION FOR  
ROBERT HERZOG, ) WRIT OF HABEAS CORPUS  
12 )  
Respondent. )  
\_\_\_\_\_ )

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14 The Court, having reviewed petitioner's federal habeas petition, respondent's answer to  
15 the petition, the Report and Recommendation of Mary Alice Theiler, United States Magistrate  
16 Judge, and the remaining record, does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation;  
18 (2) Petitioner's federal habeas petition (Dkt. No. 1) is DENIED and this action is  
19 DISMISSED with prejudice;  
20 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the  
21 United States District Courts, a certificate of appealability is denied with respect to all claims  
22 asserted by petitioner in his federal habeas petition; and

